

REMARKS

Claims 2-5 and 7-16 are pending. Independent claim 1 has been canceled and replaced with new independent claim 15 to clarify the subject matter of the invention. New dependent claim 16 has been added and depends on claim 15. Claims 2-5, 7, 9 and 11-13 have been amended for proper antecedent basis and to refer to new dependent claim 16. Claim 6 was previously canceled. No new matter has been added.

Claim Rejections - 35 USC 102

Claims 1 and 3-14 are rejected under 35 USC 102(e) as being anticipated by Chern et al. having publication number US2003/0060211 (Chern).

Applicants respectfully submit that Chern does not teach or suggest the method of new claim 15 for the following reasons. Chern discloses a system that includes a remote server and a wireless terminal having a position determining device (e.g., GPS) that provides the server with the location of the terminal. In particular, referring to step 712 of FIG. 12, the handset 130 periodically sends updated location and user preference information to server 136. (see paragraph [80] of Chern) That is, the handset sends location information to the server 136 which uses the information to initiate a routine to perform all of the services the user subscribed to.

In contrast thereto, the present invention comprises a method of identifying a provider of a service to a wireless terminal in a wireless telecommunications network. In operation, the present invention automatically updates a list of providers available to a user of a wireless terminal based on a user profile. The list is updated based on when a system (application server) determines that the user has changed location. In other words, the **network** or system determines a change in location and then updates the list of providers based on the change. The wireless terminal does **not** have a position determining device for determining the location of the terminal or the user. Again, the location of the terminal or a change in location is determined by a system device such as a base station. Chern simply does not teach or suggest this claimed feature. In fact, in

Chern, it is quite the opposite: the wireless terminal includes position determining device that provides the system or server with the location of the terminal as well as changes in the location. Clearly, in the claimed invention, the **network** or system determines changes in the location of the wireless terminal and then automatically updates the list of providers, whereas in Chern, it is the **wireless terminal** that determines changes in location which is then used by a server for updating a database of providers. Thus, in Chern, the wireless terminal determines location information and **not** a network or system device as in the present invention. Consequently, new claim 15 is not anticipated by Chern for at least the reasons above. In addition, dependent claims 2-5, 7-14 and 16.

Claim Rejections – 35 USC 103

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Chern in view of Murray having an application number US2002/0068583 (Murray).


As discussed with respect to the Examiners 35 USC 102 claim rejections above, Chern fails to teach or suggest the method of independent claim 15. Murray likewise does not teach or suggest the claimed invention. Thus, the combination of Chern and Murray does not teach or suggest the present invention as claimed and does not render claim 2 obvious. Claim 2 has been amended to depend indirectly from claim 15, which for the reasons given above, should be allowable. Since claim 2 depends on claim 15, claim 2 should be allowable for at least the same reasons as claim 15.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on May 19, 2004, Applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 2-5 and 7-16 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below.

Respectfully,

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